

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF RICHARD M. STARK,

RICHARD M. STARK ARTICLE FIFTH TRUST,

NTC & CO. LLP, as former custodian of an  
Individual Retirement Account for the benefit of  
RICHARD M. STARK (xxxxxxx), and BETTY STARK,

BETTY STARK, individually, as executor of the Estate of  
Richard M. Stark, as designated beneficiary of NTC & Co.  
FBO Richard M. Stark (xxxxxxx), and as beneficiary of the  
Richard M. Stark Article Fifth Trust,

THOMAS L. STARK, as beneficiary of the Richard M. Stark  
Article Fifth Trust, and

HILARY M. STARK, as beneficiary of the Richard M. Stark  
Article Fifth Trust,

Defendants.

Adv. Pro. No. 10-04971 (SMB)

ESTATE OF RICHARD M. STARK,

RICHARD M. STARK ARTICLE FIFTH TRUST,

BETTY STARK, individually, as executor of the Estate of  
Richard M. Stark, as designated beneficiary of NTC & Co.  
FBO Richard M. Stark (xxxxxxx), and as beneficiary of the  
Richard M. Stark Article Fifth Trust,

THOMAS L. STARK, as beneficiary of the Richard M. Stark  
Article Fifth Trust, and

HILARY M. STARK, as beneficiary of the Richard M. Stark  
Article Fifth Trust,

Third-Party Plaintiffs,

- against -

COHMAD SECURITIES CORPORATION, MAURICE J.  
“SONNY” COHN and  
MARCIA B. COHN,

Third-Party Defendants.

**STIPULATION AND ORDER  
OF VOLUNTARY DISMISSAL OF THIRD-PARTY COMPLAINT**

WHEREAS, this action (the “Action”) was commenced on or about December 2, 2010  
by the filing of a Complaint [Dkt. 1]; and

WHEREAS, on or about October 3, 2011, the Defendants filed their Answer and Third  
Party Complaint for Indemnification [Dkt. 10]; and

WHEREAS, Defendants served the Answer and Third Party Complaint on the Third  
Party Defendants, and on or about November 2, 2011, Defendants filed the Affidavit of Service  
of the Third Party Complaint on the Third Party Defendants [Dkt. 12]; and

WHEREAS, Defendants and Third Party Defendants have conferred and are prepared to stipulate to dismiss the Third Party Complaint, without prejudice, in accordance with this Stipulation and Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. The Third Party Complaint is voluntarily dismissed, without prejudice.
2. In the event that Defendants commence an action for indemnification against one or more of Third Party Defendants, or their heirs, successors and assigns, within six years of entry of judgment in favor of Plaintiff (a) in the Action or (b) any proceeding relating to or arising out of the Action, Third Party Defendants agree not to assert a defense of statute of limitations to a claim for indemnification for a judgment in favor of Plaintiff. Third Party Defendants reserve their rights to assert all other defenses.

Dated: New York, New York  
April 18, 2017

VINSON & ELKINS LLP

/s/ Marisa Antos-Fallon

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Marisa Antos-Fallon  
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*Attorneys for Third Party Defendants*

So Ordered this 18th day  
of April 2017

/s/ Stuart M. Bernstein

U.S.B.J.

OTTERBOURG P.C.

/s/Richard G. Haddad

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*Attorneys for Defendants*